

registered so they knew what they were doing and were held accountable for any wrongdoing, to make certain that companies we buy stock in actually exist, and to make certain those who are the most vulnerable in America do not lose everything because this Congress decided to look the other way because someone wants to take a profit out of an idea.

This is an important measure. Every day, the Republican leaders came to the floor and said: Call it immediately. Let's go. Let's get it done. We need to at least take the time to reflect on it, to offer an alternative to it, and to do something which is exceedingly rare on the floor of the Senate, have a debate. How about that? The Chair was engaged in debate in his youth. He knows that perhaps good ideas can be exchanged in that process.

The closest we have to debates now is 2 minutes, equally divided. That does not cut it, not for the Senate and not for a bill of this importance. I urge my colleagues, before they rush to judgment, that because it passed the House with a big measure, that it certainly has to be a good bill, take the time to read it.

Many people, including myself, who years ago were lured into the repeal of Glass-Steagall because of the notion of letting 1,000 flowers bloom, realized what happened. When it was all over, there were no flowers. Unfortunately, what was left was the rubble of the recent recession. It is time for us to vow not to make that mistake again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### JUDICIAL NOMINEES

Mr. REID. Madam President, I am pleased that my friend Senator McCONNELL and I have been able to reach an agreement to approve a number of judicial nominations in the coming weeks. The senior Senator from Vermont, Chairman LEAHY, has kindly added his wisdom to make this a better agreement, and for that I am very grateful. This is a victory for our Nation's justice system.

While I still believe the Senate should confirm all these nominations this afternoon to address the judicial vacancy crisis we face in this country, the step forward is one we should all feel good about. The Senate will hold up-or-down votes on seven district court judges before the end of this work period. We will vote on another five district court and two circuit court nominations by Monday, May 7.

Among the 14 judges, the Senate will consider Miranda Du. Miranda Du is a very well known lawyer in Nevada, but the interesting thing about this good woman is that she is representative of the true American success story.

She was born in Vietnam. At the end of the war in Vietnam, people who were of Vietnamese ancestry could not leave if they were fullblooded Vietnamese. If they weren't, as Miranda was, they let them go, and she left Vietnam with her family in a boat when she was just 8 years old. She was in refugee camps and finally, when she was 9 years old, wound up in Alabama—not, of course, speaking any English—with her family. She speaks—not that it matters—without a single trace of any accent.

She is such a good lawyer, and I was so happy when I introduced her before the Judiciary Committee at a hearing. Her parents were there, her family was there. It was a wonderful opportunity to see what America is all about.

As I have indicated, she has extensive litigation experience and an enormous love and appreciation for Nevada. I look forward to confirming this woman who has such a tremendous dedication to public service.

Approving 14 new judges speaks to the progress we can make when we here in the Senate work together. More work remains to fill all the Nation's vacant judicial seats and ease the backlog of cases in our courts. We can't jeopardize the right to a fair and speedy trial for 160 million Americans who now live in districts with judicial vacancies. Some of them even have judicial vacancies that are emergencies. It is crucial that bipartisan cooperation continue and the pace of confirmations move forward. With 1 in 10 Federal judgeships vacant in our country, more delays would circumvent the will of the people.

The American Bar Association says that shortage of judges and the backup in our courts is "bad for business, it's unfair to individuals, and it . . . ultimately costs taxpayers money."

This shortage of judges is also unnecessary.

Again, I am pleased there has been agreement to confirm these 14 judges without wasting any more of the Senate's time.

I think we can all agree, regardless of political party, that we must act quickly on the small business jobs bill that was passed overwhelmingly by the House. Democrats are eager to move this bill forward, which will improve innovators' access to capital and streamline how companies sell stock.

Democrats will also introduce bipartisan legislation to reauthorize the Export-Import Bank—referred to as the Ex-Im Bank—which will create 300,000 jobs and generate more than \$1 billion of new revenue for our country. The minority leader has supported the Export-Import Bank in the past. This legislation also has the total support of the national chamber of commerce. So it will build on the important work we have done this week to help create jobs. It isn't a 2.8 million job creator as is our highway bill, but it is an important piece of legislation to allow capital formation to be made much more rapidly.

Today the Senate passed this Transportation jobs bill which is such a job creator that it is one of the rare occasions we have here in Senate where we can really look to creating, with one vote, millions of jobs. Today we also, of course, as I have just indicated, reached a bipartisan agreement to ease the delays in our Nation's courts. Passing a small business jobs bill that helps companies expand and export their products would be yet another bipartisan accomplishment of which the Senate can be proud. To that, I refer the Ex-Im Bank.

I appreciate my friend from Iowa being patient. It seems that there are times when he wants to really speak, and sometimes I don't know he is coming, but it seems I show up at about the same time.

The PRESIDING OFFICER. The Senator from Iowa.

#### JUDICIAL NOMINATIONS

Mr. GRASSLEY. Before I ask permission to speak as if in morning business. I don't disagree with anything the majority leader said, but I would like to bring these facts out about judicial vacancies.

There are 83 judicial vacancies, and some of those are emergencies. And in the case of the total of 83 vacancies, the President has only sent up 44 nominees for those 83 vacancies. So I want to make it very clear—and it is something that is quite obvious—that the U.S. Senate or any of its leaders can't be expected to act upon vacancies where the President hasn't submitted nominees.

I think it is intended to make Republicans look bad when they use those vacancies as a statistic without making it clear that the President of the United States is the one who is dragging his feet as far as filling those vacancies.

Madam President, I ask unanimous consent to speak for 25 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### DOD AUDITS

Mr. GRASSLEY. Madam President, one or two times a year, out of the many speeches I give on the floor of the Senate, I report to my colleagues on a crusade I have to wake up the Department of Defense to give more respect to audit reports coming out of the Office of Inspector General.

In the last 2 years I have been very critical, and I am somewhat critical now, but there has been vast improvement by the Department of Defense in responding to their use and the quality of their audits.

So I am coming to the floor once again to report on the latest results of my ongoing audit oversight and review. I will refer to some figures, but to kind of give you an overview, each year for the last 3 years we have roughly reviewed in my office between 100 and 120 audit reports.

You have all those reports that have recommendations in them, and we have seen a reluctance to move ahead to carry out the results of those audits, and in so many instances we would save so much money if the audit reports were carried out. When you spend \$100 million every year in the Office of Inspector General of the Department of Defense, you would expect that you ought to get some results from that \$100 million expenditure, and we are seeing some improvement.

Our work examines audits issued by the Office of Inspector General of the Department of Defense. After receiving anonymous letters in early 2009 alleging mismanagement of audit resources, I and my staff initiated an in-depth oversight review. This is my third report in that series. The goal of the report is to assess audit quality in 2011 and make recommendations for improvements.

I am doing this work for one important reason. Like investigations, audits are a primary oversight tool. In fact, audits may be the most important tool, and that is because the auditor's core mission is to watchdog how the taxpayers' money is being spent in the Department of Defense. That puts them on the money trail 24/7. If fraud is occurring, that is where it will happen. That is where they need to be, and hopefully the auditors will find it.

These audits cost the taxpayers, as I said before, roughly \$100 million a year. Are the auditors getting the job done? Are they rooting out waste and fraud, and as a result are they attempting to save the taxpayers money?

My first report was published on September 7, 2010, and clearly indicated that the audit oversight capabilities in the Office of Inspector General were seriously degraded. The inspector general at that time, Gordon Heddell, re-

sponded to my first report in a very constructive way: he promptly approved a transformation plan designed to improve audit quality.

In order to assess progress on reforms, I issued a second report on January 1, last year. I called this one a report card. It evaluated and graded 113 reports issued during fiscal year 2010. I awarded those 113 reports a grade of D-minus. The low overall score was driven by the very same deficiencies pinpointed in my very first report. Instead of being hard-core, fraud-busting audits, most reports were policy and compliance reviews. There was little or no attempt to even verify the exact dollar impact of the misguided policies examined. Such reports offered zero benefit to the taxpayer, though many of these reports were mandated by the Congress of the United States.

Out of those 113 reports, I identified 27 good reports that involved commendable and credible—and in some cases nitty-gritty—audit work. Were it not for their long completion times, all of those 27 reports would have earned very top scores.

At the conclusion of the second audit report, my staff presented a list of the "Top Nine Audit Roadblocks" standing in the way of reform. After the second report was issued, Inspector General Heddell issued a sharp rebuttal, disagreeing with me very much. He complained that I did not give sufficient credit for 18 audits that identified \$4.2 billion in potential monetary benefits.

I addressed Inspector General Heddell's criticism on the floor of this Senate on two separate occasions, July 5 and July 28 of last year. At that time I admitted he had a legitimate gripe about my report. My staff reviewed the matter and upped the score on 12 of the 18 reports, but those adjustments did not move the overall score of the 113 reports out of that D range.

Today I am issuing my third audit oversight report. This one examines the latest batch of reports, the 121 reports issued between October 1, 2010, and September 30, 2011. They are known as the fiscal year 2011 audits. I am giving those reports an overall score of 3.51 or C-plus.

As my report indicates, there was an across-the-board improvement in every category except one, timeliness. I am very happy to report to my colleagues that audit quality appears to be improving. The best possible indicator of improvement is the doubling of top-rated reports. Those numbers jumped from 27 reports, or 25 percent of the total in 2010, to 70 reports or 58 percent of the total production last year. That is better than a twofold increase. The auditors have achieved a breakthrough. The apparent progress is promising.

The most important area of improvement in audit quality was in the strength of the recommendations. There was a surge in this key area. It was propelled by calls for accountability and recovery of wasted money. Although modest and limited in num-

ber, these initiatives had force. Recommendations are the business end of an audit, and these recommendations were based on rock-solid findings.

At least 50 reports of the 121 arrived at findings that documented flagrant mismanagement, waste, negligence, fraud, and even potential theft. Sixteen of these reports recommended that responsible officials be considered for administrative review. A comparable number contained recommendations for the recovery of improper payments, and 10 reports, largely those on "stimulus" projects coming out of the \$814 billion stimulus bill that was voted on in February of 2009, recommended—on those 10 reports—that wasteful projects be terminated.

These reports jumped out at me, as I hope they would you, if you read these. These are quite remarkable. But 50 reports with rock-solid findings should generate 50—not just 16—sets of hard-hitting recommendations. So I am sorting out 16 out of the 50 for special recognition. These 50 reports add up to a good beginning, but they do not confer world-class status on the inspector general's audit office. Within the grand totality of the 121 reports published in 2011, they are a drop in the bucket. The vast majority of the reports still offer weak recommendations. Most reports merely instruct audit targets to do what they already are required to do under law and regulation. In my opinion, that is a waste of ink and paper.

There are still four distinct trouble spots needing intense management attention. The biggest problem continues to be the number of unsatisfactory reports. While I can no longer say most reports were poor, at 40 percent the proportion of low-scoring reports remains unacceptably high. Those reports continue to suffer from the same deficiencies identified in a report commissioned by Inspector General Heddell in response to my first report 3 years ago. This report was produced by two independent consulting firms and dated October 7, 2010. It is known as the Quest Report.

Their conclusion, which matched by own, was as follows:

We do not believe Audit is selecting the best audits to detect fraud, waste and abuse. The organization does not audit what truly needs to be done. Some audits hold little value in the end.

As I have said many times, far too many audits offer little or no benefit to the taxpayers. That was still true in 2011.

Long audit production times remain another big problem. Old reports offer stale information that weakens the power and relevance of audit reports. Between 2010 and 2011, the average time needed to complete reports jumped from 13 months to 16 months. As I understand it, those numbers do not tell the full story because they do not include the extra weeks or months reportedly needed for the planning and approval process that occurs before an audit even begins. Add those numbers